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September 12, 2016

By ECF and U.S. Mail

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *United States v. Diego Fernando Murillo-Bejarano***  
**03 Cr. 1188 (RMB)**

Hon. Judge Berman:

I represent Diego Fernando Murillo-Bejarano (hereinafter “Mr. Murillo-Bejarano”) in the above-referenced matter. This letter is respectfully submitted in response to the Court’s original Order dated June 24, 2016 [Document No. 130]; indicating that “defense counsel shall make a written motion regarding Defendant’s eligibility for a sentencing reduction by July 1, 2016.”

Mr. Murillo-Bejarano’s prior counsel missed the Court’s filing deadline and; thereafter, undersigned counsel was retained to represent him regarding this matter. Undersigned counsel submitted a Pro Hac Vice application through local counsel. Additionally, undersigned counsel, through local counsel, requested an adjournment in order to research and evaluate Mr. Murillo-Bejarano’s eligibility for a sentencing reduction pursuant to Title 18, U.S.C. 3582 (c)(2) and U.S.S.G. Amendment 782. The Court granted the requested adjournment and set a filing deadline of September 12, 2016 for defendant’s motion; September 19, 2016 for the Government’s Response; and October 04, 2016, for a Status Conference.

Undersigned counsel has carefully reviewed Mr. Murillo-Bejarano’s case file including, the Presentence Investigation Report, Plea Agreement, Sentencing Memorandums, Sentencing Transcript and other pleadings relevant to U.S.S.G. Amendment 782.

Undersigned counsel thanks the Court for granting Mr. Murillo-Bejarano the opportunity to research and evaluate this issue; however, after reviewing these documents it is clear that Mr. Murillo-Bejarano does not qualify for a two level sentence reduction pursuant to Title 18, U.S.C. 3582 (c)(2) and U.S.S.G. Amendment 782.

Respectfully submitted,

/s/ Oscar Arroyave  
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